

**State of Kansas
Secretary of State**

**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 8:30 a.m. Wednesday, September 2, 2015 in the second floor auditorium at Memorial Hall, 120 S.W. 10th Ave., Topeka, Kansas, to consider amendments to Kansas Administrative Regulation 7-23-14, and provide for the adoption of Kansas Administrative Regulation 7-23-15. These regulations pertain primarily to proof of citizenship requirements for newly registered voters and to voter registration applications that have been determined to be incomplete.

This 60-day notice of public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. Comments may be submitted prior to the hearing to Desiree Taliaferro, Director of Administrative Services, Office of the Secretary of State, Memorial Hall, Room 140, 120 S.W. 10th Ave., Topeka, 66612-1594, or to desiree.taliaferro@sos.ks.gov. All interested parties will be given a reasonable opportunity at the hearing to present their views. It may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five days in advance of the hearing by contacting Desiree Taliaferro at (785) 296-2034 or the Kansas Relay Center at 1-800-766-3777.

K.A.R. 7-23-14 details the process by which county election officers and the Secretary of State should assess documents submitted as evidence of United States citizenship.

K.A.R. 7-23-15 details the procedure to follow when a voter registration application is submitted to the county election office and a determination is made that the application is not complete.

There is no significant economic impact anticipated because of these regulations.

Copies of the full text of the regulation and the economic impact statement may be obtained at the address above for the Office of the Secretary of State, or by contacting Barbara Dominguez, Director of Administrative Regulations and Session Laws, at (785) 296-2114 or

barb.dominguez@sos.ks.gov. The proposed regulations are also available on the Secretary of State's website at www.sos.ks.gov.

Kris W. Kobach
Secretary of State

K.A.R. 7-23-14. Assessing documents submitted as evidence of United States citizenship.

(a) In assessing documents submitted as evidence of United States citizenship, each election officer shall consider the following factors: first name, middle name or initial, surname, date of birth, place of birth, and sex.

(1) The first name and the middle name or initial, if provided, shall be consistent with the information provided on the person's application for voter registration. Hyphenated names shall be permitted if not inconsistent with the information provided on the person's application for voter registration.

(2) If the name on the document is inconsistent with the applicant's name as it appears on the application for voter registration, the election officer shall perform the following:

(A) Ask the applicant for a second, government-issued document confirming the voter's current name;

(B) if the applicant is unable or unwilling to provide a second, government-issued document, allow the applicant to sign an affidavit pursuant to K.S.A. 25-2309~~(q)~~ and amendments thereto, stating the inconsistency related to the applicant's name and swearing under oath that, despite the inconsistency, the applicant is the individual reflected in the document provided as evidence of citizenship; and

(C) if the applicant is either unable or unwilling to provide a second, government-issued document and refuses to sign an affidavit, inform the applicant of the applicant's right to appeal to the state election board, pursuant to K.S.A. 25-2309~~(m)~~ and amendments thereto.

(3) The date of birth indicated on the document submitted as evidence of United States citizenship shall match the date of birth provided on the application for voter registration. If the dates of birth are inconsistent, the election officer shall inform the applicant of the applicant's right to appeal to the state election board, pursuant to K.S.A. 25-2309~~(m)~~ and amendments thereto.

(4) If the place of birth is indicated on the document submitted as proof of United States citizenship, the place of birth may be used to assess the applicant's status as a United States citizen. If the document does not contain a place of birth, this fact shall not result in an unsatisfactory assessment.

(5) If the sex indicated on the document does not match the sex indicated on the application for the voter registration, the election officer shall perform the following:

(A) Ask the applicant for a second, government-issued document confirming the voter's sex;

(B) if the applicant is unable or unwilling to provide a second, government-issued document, allow the applicant to sign an affidavit pursuant to K.S.A. 25-2309~~(q)~~ and amendments thereto, stating the inconsistency related to the applicant's sex and swearing under oath that, despite the inconsistency, the applicant is the individual reflected in the document provided as evidence of citizenship; and

(C) if the applicant is unable or unwilling to provide a second, government-issued document and refuses to sign an affidavit, inform the applicant of the applicant's right to appeal to the state election board, pursuant to K.S.A. 25-2309~~(m)~~ and amendments thereto.

(6) If a document submitted as evidence of United States citizenship contains an expiration date and this date has passed when the document is submitted for purposes of voter registration, the document shall nonetheless be considered in assessing qualifications to register to vote.

(b) If an applicant for voter registration fails to submit evidence of United States citizenship before the deadline to register to vote before an election, the applicant may submit a valid citizenship document by mail or personal delivery to the county election office by the close of business on the day before the election or a valid citizenship document by electronic means before midnight on the day before the election. "Electronic means" shall include facsimile, electronic mail, and any other electronic means approved by the secretary of state. For each document received in accordance with this subsection, the county election officer shall perform the following:

- (1) Accept and assess the citizenship document;
- (2) add the applicant's name to the voter registration list as a registered voter; and
- (3) if practicable, include the registrant's name in the poll book for the upcoming election. If poll books have already been printed, the county election officer shall, if practicable, communicate the registrant's name to the appropriate polling place with instructions to allow the registrant to vote a regular ballot. If the registrant's name is not communicated to the election board at the appropriate polling place by the county election officer before the opening of the polls on election day, the registrant shall be allowed to cast a provisional ballot. If any applicant to whom this subsection applies fails to submit satisfactory evidence of United States citizenship

in accordance with this subsection and the applicant casts a provisional ballot, the ballot shall not be counted.

~~(c) If any registered voter is removed from the voter registration list for any reason consistent with federal or state law and the person submits a new application for voter registration, the person's evidence of United States citizenship shall be assessed~~ A registered voter who has previously provided sufficient evidence of United States citizenship with a voter registration application in this state shall not be required to resubmit evidence of United States citizenship with any subsequent voter registration application.

~~(d) Each person who meets all of the following conditions shall submit evidence of United States citizenship:~~

~~(1) The person was registered to vote before January 1, 2013 and was therefore deemed to have provided satisfactory evidence of United States citizenship pursuant to K.S.A. 25-2309(n), and amendments thereto.~~

~~(2) The person has been removed from the voter registration list for any reason in accordance with federal or state law.~~

~~(3) The person submits a new application for voter registration.~~

~~This regulation shall be effective on and after January 1, 2013. (Authorized by and implementing K.S.A. 2010 2014 Supp. 25-2309, as amended by L. 2011, ch. 56, sec. 8; effective Jan. 1, 2013; amended P-_____.)~~

K.A.R. 7-23-15. Incomplete applications for voter registration. (a) If the county election officer assessing an application for voter registration determines that the application does not contain the information required by law, including satisfactory evidence of United States citizenship, the county election officer shall designate the application as incomplete. Each county election office shall maintain a list of incomplete applications for voter registration.

(b) Any voter registration applicant whose voter registration application has been designated as incomplete under subsection (a) may complete the voter registration application, without submitting a new voter registration application, by providing the required information that was not provided with the original voter registration application within 90 days after the voter registration application was received by the county election office.

(c) If a voter registration application was designated as incomplete under subsection (a) and the application is not completed by the applicant under subsection (b), the voter registration application shall be rejected by the county election officer and the county election officer shall designate the voter registration application as canceled. Each voter registration applicant whose voter registration application was rejected under this subsection shall be required to submit a new voter registration application in order to become registered to vote. (Authorized by and implementing K.S.A. 2014 Supp. 25-2309; effective P-_____.)

**KANSAS SECRETARY OF STATE
ECONOMIC IMPACT STATEMENT
7-23-14 and 7-23-15**

I. Summary of Proposed Regulations, Including purpose:

K.A.R. 7-23-14. This regulation details the process by which county election officers and the Secretary of State should assess documents submitted as evidence of United States citizenship. Evidence of United States citizenship is used to ensure that qualified electors are eligible to register to vote. The purpose of this regulation is to give guidance to the assessor as to which factors should be considered while taking into account possible events in the life of an individual such as marriage, divorce, name-change, change in gender, etc. This regulation ensures that qualified electors will be able to vote regardless of the existence of these life events. Additionally, this regulation sets out the timeline for the submission of a proof of citizenship document by a voter as it relates to other registration and election dates.

Subsection (c) was revised to state once a registered voter has provided proof of citizenship, any subsequent change to the voter's registration record would not require the registered voter to resubmit evidence of United States citizenship.

K.A.R. 7-23-15. This regulation details the procedure to follow when a voter registration application is submitted to the county election office and a determination is made that the application is not complete. Each county election office shall maintain a list of incomplete applications for voter registration. Any applicant whose application has been designated as incomplete may provide the required information within 90 days after the application was received by the county election office. If the application is not completed by the applicant within 90 days, the application shall be rejected by the county election officer and the application shall be designated as canceled. Each application that is rejected shall be required to submit a new application in order to become registered to vote.

II. Federal law requirements:

The proposed regulations and amendments are not mandated by federal law, nor are they required for participation in, or implementation of, a federally subsidized or assisted program. The proposed regulations and amendments do not exceed any requirements of federal law.

III. Economic Impact:

There are no significant economic impacts anticipated because of these regulations on any county election officer, state agency or the general public because the assessment of evidence of United States citizenship is required by statute. These regulations merely give details regarding the process by which such evidence should be received and assessed, and provide a time period for any county election officer to make a determination on the sufficiency of a voter registration application.

IV. Less Costly or Intrusive Methods:

The evaluation of other less costly or intrusive methods was unnecessary because it is anticipated that the amendments described will have no significant economic impact while maintaining the present level of services. These regulations merely provide details to requirements now existing under state law.